IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 19TH DECEMBER 2007 / 28TH AGRAHAYANA 1929

Bail Appl..No. 7836 of 2007()

CMP.3188/2007 of J.M.F.C.-II, KANNUR

[CRIME NO.644/2007 OF VALAPATTANAM POLICE STATION]

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: PETITIONERS/ACCUSED

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1. THOLICHY SHAHANAZ, AGED 29 YEARS,
   SHARMILA COTTAGE, P.O.PAPPINISSERY,
   NEAR ARON U.P.SCHOOL, KANNUR DT.

2. SHAMEER, S/O.ABDUL AZEES, AGED 30 YEARS,
   KAKKATTUVALAPPIL, PAPPINISSERY, KANNUR.

BY ADV. SRI.A.MOHAMED MUSTAQUE
SRI.M.K.SUMOD

RESPONDENTS: COMPLAINANT

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1. THE STATION HOUSE OFFICER,
   VALAPATTANAM POLICE STATION,
   VALAPATTANAM, KANNUR.

2. THE STATE OF KERALA, REPRESENTED BY
   PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
   ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.7836 of 2007

Dated this the 19th day of December 2007

O R D E R

Application for regular bail. The petitioners - two friends face allegations under Section 306 read with 34 I.P.C. A young girl aged about 20 years committed suicide on 16/11/2007. She was allegedly in love with the first accused. She used to have sexual intercourse with the first accused at several places. It is alleged that on the day prior to the date of commission of suicide by the victim, the first accused had gone to her school, taken the deceased to his house and had sexual intercourse with her. It is alleged now that on that day, he had wanted her to have sexual intercourse with the second accused also. It was this that prompted her allegedly to commit suicide on 16/11/2007. The accused have been arrested on 24/11/2007. They continue in custody from that date.

2. The learned counsel for the petitioners submits that the petitioners are absolutely innocent. The commission of suicide is not attributable to any wilful or contumacious conduct on the part of the petitioners. In fact, her parents and others

had come to know of the relationship of the deceased with the first petitioner and that, it would appear, had prompted her to commit suicide, submits counsel. Asked pointedly about the material on which it is now alleged that the first accused had wanted the deceased to have sexual intercourse with the second accused and that he had attempted to have sexual intercourse with the deceased, the learned Public Prosecutor submits at the moment, except the confession statements of the accused, no other or better materials is available.

3. The learned counsel for the petitioners prays, the learned Public Prosecutor does not oppose the said prayer on condition that the investigating officers are granted reasonable further time to complete the investigation and I am satisfied in the facts and circumstances of this case that regular bail can be granted to the petitioners subject to appropriate conditions without going in detail to the acceptability of the allegations levelled against them.

4. In the result, this petition is allowed. The petitioner shall be released on bail on the following terms and conditions:

i) The petitioners shall not be released on bail on the strength of this order prior to 26/12/2007. The investigating officer shall, in the meantime, make every endeavour to complete the investigation.

ii) They shall execute bonds for Rs.50,000/- (Rupees fifty thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioners shall make themselves available for interrogation before the investigating officer between 10 a.m and 12 noon on all Mondays and Fridays, for a period of two months from the date of their release and thereafter as and when directed by the investigating officer in writing to do so.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007